IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 688 of 1997
in
SPECIAL CIVIL APPLICATION No 1295 of 1995

WITH
CIVIL APPLICATION No.6024 of 1997
in
LETTERS PATENT APPEAL No.688 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE R.S.GARG
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UDAIPUR PHOSPHATES & FERTILIZERS LTD
Versus
GUJARAT MAZDOOR KRANTI UNION

Appearance:
1. LETTERS PATENT APPEAL No. 688 of 1997
MR KM PATEL for Appellant No.
MR TR MISHRA for Respondent No. 1
SERVED BY RPAD - (R) for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE R.S.GARG
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 04/05/2005

ORAL JUDGEMENT (Per : HON'BLE MR.JUSTICE R.S.GARG)

Heard learned counsel for the parties. The appellant being aggrieved by the judgement dated 03.04.1997 passed in Special Civil Application No.1295 of 1995 is before this Court with a submission that a clarification be made by the Division Bench that the findings recorded by the Tribunal in relation to that the appellant is successor of the erstwhile unit are tentative findings and would not affect the interest of the present appellant. After going through the judgement we think that the judgement of the learned Single Judge is very clear when it decides the issue of transfer and its genuineness. It is to be noted that the learned Single Judge did not approve the findings recorded by the learned Tribunal, but has directed the appellant to continue as defendant in the proceedings in view of the relief which may ultimately be allowed in favour of the retrenched/ terminated workman. We do not think that we are required to make any clarification. The appeal is disposed of. No costs.

2. Consequently, Civil Application No.6024 of 1997 stands rejected. Interim order stands vacated.

(R.S. Garg, J.)

(Ravi R. Tripathi, J.)

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